

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70790 of 2023

Arising Out of PS. Case No.-371 Year-2021 Thana- ALOULI District- Khagaria

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BIPIN KUMAR RAY SON OF BHAGWAN BABU RAY RESIDENT OF
VILLAGE - UJUA, P.S. - KUSHESHWAR ASTHAN, DISTRICT -
DARBHANGA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Diwakar Prasad Singh
For the Opposite Party/s : Mr.Amitesh Kumar

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

2 29-11-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has filed the instant application for grant of regular bail in a case registered for the offences punishable under Sections 25(1-b)a, 26, 35 of the Arms Act.

3. The prosecution case relates to recovery of one country made loaded pistol and seven live cartridges from the motorcycle of the petitioner bearing Reg. No. BR07AL-1951 and he managed to escape.

4. It is submitted by learned counsel for the petitioner that the petitioner is innocent and has committed no offence. He has falsely been implicated in the present case merely on basis of suspicion that he was driving the vehicle. The petitioner has



no concern with alleged arms which were seized by the police. Neither the petitioner was arrested on the spot nor any incriminating article has been recovered from his possession. Both the seizure list witness are police personnel which is complete violation of Section 100 of Cr.P.C. The petitioner is languishing in judicial custody since 22.05.2023.

5. Learned APP appearing for the State has vehemently opposed the prayer for Bail.

6. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Alouli P.S. Case No. 371 of 2021 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Khagaria.

(Sunil Kumar Panwar, J)

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